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NAZOMI COMMUNICATIONS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Nazomi Communications, Inc.,

Plaintiff,

v.

Nokia Corporation, et al.

Defendants.

Case No. 3:10-cv-04686-JF (HRL)

**NAZOMI COMMUNICATIONS,
INC.'S ANSWER TO
COUNTERCLAIM SET FORTH IN
DEFENDANT SLING MEDIA INC.'S
ANSWER TO PLAINTIFF'S FIRST
AMENDED COMPLAINT**

1 Plaintiff Nazomi Communications, Inc. (“Nazomi”) replies to Defendant
 2 Sling Media, Inc.’s (“Sling”) counterclaim as follows:

3 **THE PARTIES**

4
 5 1. Admitted.

6 2. Admitted.

7 **JURISDICTION**

8 3. Admitted.

9 4. Admitted.

10 5. Admitted.

11 6. Admitted.

12 7. Admitted.

13 8. Admitted.

14 **COUNTERCLAIM**

15 **FOR DECLARATORY JUDGMENT OF NONINFRINGEMENT**

16 9. In response to paragraph 9 of Sling’s counterclaim, Nazomi
 17 incorporates its responses to paragraphs 1-8 of Sling’s counterclaim as if fully set
 18 forth herein.

19 10. Admitted.

20 11. Paragraph 11 of Sling’s counterclaim refers to Nazomi’s First
 21 Amended Complaint, which speaks for itself. To the extend further pleading is
 22 required, Nazomi admits that its First Amended Complaint does not include
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1 allegations of indirect infringement against Sling.

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3 12. Paragraph 12 of Sling's counterclaim refers to Nazomi's First
4 Amended Complaint, which speaks for itself. To the extent further pleading is
5 required, Nazomi admits that paragraph 24 of its First Amended Complaint
6 identifies the Slingbox Pro-HD remote personal video recorder as an exemplary
7 Sling product that incorporates an ARM926EJ-S processor core capable of Java
8 hardware acceleration. Nazomi also admits that its First Amended Complaint
9 includes an allegation that Sling infringes the '362 by making, using, selling, and/or
10 offering for sale within the United States the Slingbox Pro-HD remote personal
11 video recorder. Nazomi denies all other allegations in paragraph 12.

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13 13. Paragraph 13 of Sling's counterclaim refers to Nazomi's First
14 Amended Complaint, which speaks for itself. To the extent further pleading is
15 required, Nazomi admits that paragraph 24 of its First Amended Complaint
16 identifies the Slingbox Pro-HD remote personal video recorder as an exemplary
17 Sling product that incorporates an ARM926EJ-S processor core capable of Java
18 hardware acceleration. Nazomi also admits that its First Amended Complaint
19 includes an allegation that Sling infringes the '436 by making, using, selling, and/or
20 offering for sale within the United States the Slingbox Pro-HD remote personal
21 video recorder. Nazomi denies all other allegations in paragraph 13.

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23 14. Admitted.
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1 15. Paragraph 15 of Sling's counterclaim contains no statement of fact, but
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3 instead only attorney argument to which no response is required. To the extent
4 further pleading is required, Nazomi denies the allegations of paragraph 15.

5 16. Paragraph 16 of Sling's counterclaim contains no statement of fact, but
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7 instead only attorney argument to which no response is required. To the extent
8 further pleading is required, Nazomi denies the allegations of paragraph 16.

9 17. Paragraph 17 of Sling's counterclaim contains no statement of fact, but
10
11 instead only attorney argument to which no response is required. To the extent
12 further pleading is required, Nazomi denies the allegations of paragraph 17.

13 18. Paragraph 18 of Sling's counterclaim contains no statement of fact, but
14
15 instead only attorney argument to which no response is required. To the extent
16 further pleading is required, Nazomi denies the allegations of paragraph 18.

17 19. Paragraph 19 of Sling's counterclaim contains no statement of fact, but
18
19 instead only attorney argument to which no response is required. To the extent
20 further pleading is required, Nazomi denies the allegations of paragraph 19.

21 20. Paragraph 20 of Sling's counterclaim contains no statement of fact, but
22
23 instead only attorney argument to which no response is required. To the extent
24 further pleading is required, Nazomi denies the allegations of paragraph 20.

25 21. Paragraph 21 of Sling's counterclaim contains no statement of fact, but
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27 instead only attorney argument to which no response is required. To the extent
28

1 further pleading is required, Nazomi denies the allegations of paragraph 21.

2 22. Paragraph 22 of Sling's counterclaim contains no statement of fact, but
3
4 instead only attorney argument to which no response is required. To the extent
5 further pleading is required, Nazomi denies the allegations of paragraph 22.

6 23. Admitted.

7 24. Admitted.

8 25. Admitted.

9 26. Admitted.

10 27. Admitted.

11 28. Denied.

12 29. Denied.

13 30. Admitted.

14 31. Nazomi is without sufficient information to form a belief as to the
15 truth of the allegations set forth in paragraph 31 of Sling's counterclaim and, on that
16 basis, denies those allegations.
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18 32. Nazomi is without sufficient information to form a belief as to the
19 truth of the allegations set forth in paragraph 32 of Sling's counterclaim and, on that
20 basis, denies those allegations.
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22 33. Nazomi is without sufficient information to form a belief as to the
23 truth of the allegations set forth in paragraph 33 of Sling's counterclaim and, on that
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1 basis, denies those allegations.

2 34. Nazomi is without sufficient information to form a belief as to the
3 truth of the allegations set forth in paragraph 34 of Sling's counterclaim and, on that
4 basis, denies those allegations.
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6 35. Paragraph 35 of Sling's counterclaim contains no statement of fact, but
7 instead only attorney argument to which no response is required. To the extent
8 further pleading is required, Nazomi is without sufficient information to form a
9 belief as to the truth of the allegations set forth in paragraph 35 of Sling's
10 counterclaim and, on that basis, denies those allegations.
11

12 36. Paragraph 36 of Sling's counterclaim contains no statement of fact, but
13 instead only attorney argument to which no response is required. To the extent
14 further pleading is required, Nazomi denies the allegations of paragraph 36.
15

16 37. Paragraph 37 of Sling's counterclaim contains no statement of fact, but
17 instead only attorney argument to which no response is required. To the extent
18 further pleading is required, Nazomi is without sufficient information to form a
19 belief as to the truth of the allegations set forth in paragraph 37 of Sling's
20 counterclaim and, on that basis, denies those allegations.
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22 38. Paragraph 38 of Sling's counterclaim contains no statement of fact, but
23 instead only attorney argument to which no response is required. To the extent
24 further pleading is required, Nazomi is without sufficient information to form a
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1 belief as to the truth of the allegations set forth in paragraph 38 of Sling's
2 counterclaim and, on that basis, denies those allegations.
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4 39. Denied.

5 40. Denied.

6 41. Denied.

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8 42. Nazomi is without sufficient information to form a belief as to the
9 truth of the allegations set forth in paragraph 42 of Sling's counterclaim and, on that
10 basis, denies those allegations.
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12 43. Nazomi is without sufficient information to form a belief as to the
13 truth of the allegations set forth in paragraph 43 of Sling's counterclaim and, on that
14 basis, denies those allegations.
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16 44. Nazomi is without sufficient information to form a belief as to the
17 truth of the allegations set forth in paragraph 44 of Sling's counterclaim and, on that
18 basis, denies those allegations.
19

20 45. Nazomi is without sufficient information to form a belief as to the
21 truth of the allegations set forth in paragraph 45 of Sling's counterclaim and, on that
22 basis, denies those allegations.
23

24 46. Denied.

25 47. Denied.

26 48. Denied.
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28

1 49. Denied.

2 50. Admitted.

3 51. Admitted.

4 52. Admitted.

5 53. Nazomi is without sufficient information to form a belief as to the
6
7 truth of the allegations set forth in paragraph 53 of Sling's counterclaim and, on that
8 basis, denies those allegations.
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10 54. Denied.

11 55. Denied.

12 56. Denied.

13 57. Paragraph 57 of Sling's counterclaim does not set forth any statement
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15 of fact, but instead only attorney argument to which no response is required. To the
16 extent further pleading is required, Nazomi denies the allegations of paragraph 57.
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18 58. Paragraph 58 of Sling's counterclaim does not set forth any statement
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20 of fact, but instead only attorney argument to which no response is required. To the
21 extent further pleading is required, Nazomi denies the allegations of paragraph 58.
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23 59. Denied.

24 60. Denied.

25 61. Nazomi is without sufficient information to form a belief as to the
26
27 truth of the allegations set forth in paragraph 61 of Sling's counterclaim and, on that
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1 basis, denies those allegations.

2 62. Nazomi is without sufficient information to form a belief as to the
3 truth of the allegations set forth in paragraph 62 of Sling's counterclaim and, on that
4 basis, denies those allegations.
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6 63. Nazomi is without sufficient information to form a belief as to the
7 truth of the allegations set forth in paragraph 63 of Sling's counterclaim and, on that
8 basis, denies those allegations.
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10 64. Nazomi is without sufficient information to form a belief as to the
11 truth of the allegations set forth in paragraph 64 of Sling's counterclaim and, on that
12 basis, denies those allegations.
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14 65. Denied.
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16 66. Denied.
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18 67. Denied.
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20 68. Denied.
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22 69. Admitted.
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24 70. Denied.
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26 71. Denied.
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28 72. Nazomi is without sufficient information to form a belief as to the
truth of the allegations set forth in paragraph 72 of Sling's counterclaim and, on that
basis, denies those allegations.

1 73. Nazomi is without sufficient information to form a belief as to the
2 truth of the allegations set forth in paragraph 73 of Sling's counterclaim and, on that
3 basis, denies those allegations.
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5 74. Nazomi is without sufficient information to form a belief as to the
6 truth of the allegations set forth in paragraph 74 of Sling's counterclaim and, on that
7 basis, denies those allegations.
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9 75. Nazomi is without sufficient information to form a belief as to the
10 truth of the allegations set forth in paragraph 75 of Sling's counterclaim and, on that
11 basis, denies those allegations.
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13 76. Denied.
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15 77. Denied.
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17 78. Denied.
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19 79. Denied.
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21 80. Denied.
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23 81. Denied.
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25 82. Paragraph 82 of Sling's counterclaim is not a statement of fact, but
26 instead sets forth only attorney argument to which no response is required. To the
27 extent further pleading is required, Nazomi denies that Sling is entitled to a
28 declaration that it has not infringed and is not infringing the '362 and '436 patents.

SLING'S PRAYER FOR RELIEF

Nazomi denies that Sling is entitled to a judgment in its favor or to any of its requested relief.

SLING'S DEMAND FOR JURY TRIAL

Nazomi admits that Sling demands a trial by jury on all issues so triable.

Dated: February ____, 2011

PEPPER HAMILTON LLP

/s/ Harry Weitzel

Harry P. "Hap" Weitzel

Attorney for Plaintiff

NAZOMI COMMUNICATIONS, INC.